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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,836	02/17/2004	Brian G. Balistee	6579-0041-1	9136
7590 02/09/2006			EXAMINER	
Richard R Michaud The Michaud-Duffy Group LLP 306 Industrial Park Road Suite 206 Middletown, CT 06457			BLAKE, CAROLYN T	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/779,836

Applicant(s)

BALISTEE ET AL.

Examiner

Carolyn T. Blake

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 7-9 and 13-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 10-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 7-9 and 13-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on January 11, 2006.

Specification

2. The abstract of the disclosure is objected to because "element" (line 2) should be changed to - elements- -. Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claims 1-6 and 10-12 are objected to because of the following informalities: the claims refer to both "micro-shaving elements" and "microshaving elements." A consistent spelling should be employed throughout the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 4, 5, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Dischler (6,216,561).

Regarding claim 1, Dischler discloses a micro-replicated shaving surface as claimed, including: a substrate (63); a plurality of longitudinal micro-shaving elements (64) projecting outwardly from a surface of the substrate (63), said micro-shaving elements being arranged in at least one row with each micro-shaving element (64) being spaced away from and approximately parallel to the next successive micro-shaving element (64); and wherein each of said plurality of micro-shaving elements (64) defines a cutting edge (22) extending longitudinally thereof.

Regarding claim 2, Dischler discloses said substrate (63) and said plurality of micro-shaving elements (64) are metallic.

Regarding claim 4, Dischler discloses said longitudinal micro-shaving elements (64) define a substantially triangular cross section.

Regarding claim 5, Dischler discloses said longitudinal micro-shaving elements each define a leading surface inclined at a first rake angle and a trailing surface inclined at a second rake angle.

Regarding claim 11, Dischler discloses said substrate (63) and said plurality of micro-shaving surfaces are unitary and made from a first material; and each of said plurality of micro-shaving elements is at least partially coated with a second material.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Dischler as applied to claims 1, 2, and 11 above, and further in view of Polk et al (3,940,293).

Dischler discloses a shaving surface substantially as claimed, but fails to expressly disclose the micro-shaving elements are formed from amorphous metal or formed from metal and coated with amorphous metal. However, Polk et al disclose it is old and well known in the razor art to use amorphous metal or a metal coated with amorphous metal because compositions with high as-formed hardness, ductility, a high elastic limit, and good corrosion resistance can be selected. Also, amorphous metals are more homogenous than common crystalline materials for the dimensions characteristic of the sharpened edge of a razor blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to manufacture the micro-shaving elements of the Dischler device from amorphous metal or metal coated with amorphous metal because amorphous metal has positive hardness, ductility, elasticity, and corrosion characteristics for razor blades.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dischler as applied to claims 1, 4, and 5 above, and further in view of the following.

Dischler discloses a shaving surface substantially as claimed, but fails to expressly disclose the first and second rake angles are different. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to vary the rake angles because Applicant has not disclosed that the different leading and trailing rake angles provide an advantage, are used for a

Art Unit: 3724

particular purpose, or solve a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with equal leading and trailing rake angles because the cutting edges would still shave the hair follicle. Therefore, it would have been an obvious matter of design choice to modify Dischler to obtain the invention as specified in claim 6.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dischler as applied to claim 1 above, and further in view of Orloff (5,983,756).

Dischler discloses sharpening the cutting edge, but fails to disclose electro-chemical machining. However, Orloff discloses forming a cutting edge by electro-chemical machining. Electro-chemical machining allows for finer detail in the work piece than traditional grinding operations. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the cutting edge of the Dischler device using electro-chemical machining, as disclosed by Orloff, in order to create fine detail.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T. Blake whose telephone number is (571) 272-4503. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30 PM, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CB

January 30, 2006



Allan N. Shoap
Supervisory Patent Examiner
Group 3700